

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

CESAR FORTUNY DIAZ

CIVIL ACTION NO. 6:20-CV-00425

VERSUS

JUDGE JUNEAU

WILLIAM BARR, ET AL

MAGISTRATE JUDGE HANNA

MEMORANDUM RULING

Before the Court is Petitioner's Motion to Amend Judgment, Hold Respondents in Contempt, and for Related Relief filed by Petitioner Cesar Fortuny Diaz, Rec. Doc. 31.

After reviewing the memoranda and evidence filed by the parties, and the applicable law, **IT IS ORDERED, ADJUDGED, AND DECREED** that the Petitioner's Motion is **DENIED**.

To the extent that Petitioner seeks review of the Immigration Judge's denial of Petitioner's Motion to Recuse and of Petitioner's Motion for Release on bond, his claims are not properly before this Court in a habeas petition, as they are reviewable by the Board of Immigration Appeals, and if necessary, by the Fifth Circuit thereafter. *See Lee v. Gonzalez*, 410 F.3d 778, 786 (5th Cir. 2005) ("[A] petitioner must exhaust available avenues of relief and turn to habeas only when no other means of judicial review exists.")

To the extent that Petitioner asserts that Respondents have failed to comply with this Court's previous Judgment, which held that due process required that Petitioner be given a bond hearing featuring an individualized determination by a neutral factfinder as to the necessity of Petitioner's continued detention, the Court disagrees. Respondents complied with this Court's ruling when they returned to the Immigration Judge and obtained an alternative ruling on the merits of Petitioner's Motion for Release on bond.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 6th day of November, 2020.



MICHAEL J. JUNEAU
UNITED STATES DISTRICT JUDGE